IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 4735 of 2005

Between:

Jaya Diagonostic and Research Centre Ltd., (Medwin Hospitals), Hyderabad rep. by its Manager - (Finance,(Walvekar A.H. S/o. Hari Bhau, 37 years, R/o. Hyderabad.

..... PETITIONER

AND

1 Municipal Corporation of Hyderabad, Tank Bund, Hyderabad, rep. by its Commissioner.
2 Asst. Medical Officer, of Health, Circle No.6, Municipal Corporation of Hyd, ABids, Adjacent To G.P.O.,
M.C.H. Parking Complex, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ or Mandamus or any other appropriate writ order or orders, direction or directions declaring the action of the respondents in insisting the petitioner to obtain a Trade License u/s. 521(1)(e) of the Hyderabad Municipal Corporation Act, 1955 in respect of the Hospital of the Petitioner known as Medwin Hospital, Hyderabad as illegal, unconstitutional and arbitrary and to issue a consequential direction to the Respondents to act in accordance with law as declared by this Hon'ble Court in W.P.No.6253/1992 dt. 20.11.2002.

Counsel for the Petitioner:MR.V.SRINIVAS

Counsel for the Respondent Nos.1 &2: MR.G.RAMA RAO

The Court, at the stage of admission, made the following :

ORDER:

The relief claimed by the petitioner is covered by the Judgment of this Court in W.P.No.6253 of 1992 and batch, dated 12.11.2002. Following the Judgment of the Supreme Court in ***A.P. BANKERS & PAWN BROKERS' ASSOCITION VS. MUNICIPAL CORORATION OF HYDERBAD,*** this Court held that unless the Municipal Corporation had stipulated the terms and conditions to regulate the trade or the medical profession, it cannot insist on the medical practitioners or establishments to obtain licenses under Section 521 of the Municipal Corporation Act, 1955. This aspect of the matter is not disputed by the learned standing counsel.

Hence, the writ petition is allowed directing that the respondents shall not insist on the petitioner to obtain licence, till the appropriate terms and conditions for the profession and licence fee are prescribed for that purpose. It is also declared that the respondents shall not be entitled to initiate any prosecution against the petitioner for his failure to obtain such licence. There shall be no order as to costs.

_____

(L.NARASIMHA REDDY,J)

Date: 10-03-2005

TS

To

1 The Commissioner, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
2 The Assistant Medical Officer, of Health, Circle No.6, Municipal Corporation of Hyd, ABids, Adjacent To G.P.O., M.C.H. Parking Complex, Hyderabad.

3 2 CD copies